

APR 26 2000

PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS

BOX CPA

Washington, D.C. 20231

Attorney's Docket Number: 02356.0011-06

Prior Application: Art Unit: 1648

Examiner: J. Parkin

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TECH CENTER 1600/2800

SIR: This is a request for filing a Continued Prosecution Application as a:

■ Continuation or □ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional application Serial No. 09/041,975 filed March 13, 1998 for VARIANT OF LAV VIRUSES

by the following named inventor(s):

1. Marc Alizon
2. Pierre Sonigo
3. Simon Wain-Hobson
4. Luc Montagnier

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☐ Enter the amendment previously filed on _____ under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).

- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

04/27/2000 SLURNG1
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690.00 DP

LAW OFFICES

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FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-406-4000

4. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

| | | | | | | |
|--------------------------------------------|------------------|---|-------|--------------|--------|-----------|
| Basic Application Filing Fee | | | | | \$690 | \$ 690.00 |
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 16 | - | 20 | | x \$18 | |
| Independent Claims | | - | 3 | | x \$78 | |
| [] Presentation of Multiple Dep. Claim(s) | | | | | +\$260 | |
| Subtotal | | | | | | \$ |
| Reduction by ½ if small entity | | | | | | - |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 690.00 |

5. ☒ A check in the amount of \$ 1,560.00 to cover the filing fee and the Petition for Extension of Time is enclosed.
6. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
7. ☐ A verified statement claiming small entity status
☐ is enclosed or ☐ is on file in the prior application.
8. ☐ Priority of application Serial No. 86401380.0 filed on June 23, 1998 in France is claimed under 35 U.S.C. § 119. A certified copy
☐ is enclosed or ☒ is on file in the prior application.
9. ☐ The prior application is assigned of record to: Institut Pasteur, Paris, France.
10. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610;

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11. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.

12. ☐ Recognize as associate attorney _____

 (name, address & Reg. No.)

13. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/041,975, filed March 13, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No.: 43,796

Date: April 26, 2000